

House Bill 710 (AS PASSED HOUSE AND SENATE)

By: Representatives Greene of the 149<sup>th</sup>, Powell of the 171<sup>st</sup>, and Dukes of the 150<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating the South Georgia Regional Information Technology Authority, approved May 29, 2007 (Ga. L. 2007, p. 4336), so as to change certain provisions relating to a definition; to change certain provisions relating to composition, terms, quorum, and voting; to change certain provisions relating to powers of the authority; to change certain provisions relating to effects on powers of local governments; to change certain provisions relating to immunity; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

An Act creating the South Georgia Regional Information Technology Authority, approved May 29, 2007 (Ga. L. 2007, p. 4336), is amended by revising paragraph (3) of subsection (a) of Section 1 as follows:

"(3) 'Project' means and includes the planning, design, acquisition, construction, and equipping of communication cables, sleeves, and systems for the distribution and sale of communication services to private and public users and consumers, including but not limited to broadband, Internet, cable television, and associated services to the state, counties, and municipalities within the territorial boundaries of Baker, Calhoun, Early, Miller, Mitchell, and Seminole counties, and additions and improvements to and extensions of such facilities and the operation and maintenance of same."

**SECTION 2.**

Said Act is further amended by revising subsections (b), (d), and (e) of Section 3 as follows:

"(b) The authority shall consist of 15 members as follows:

(1) Two residents of Baker County appointed by the governing authority of Baker County;

(2) Two residents of Calhoun County appointed by the governing authority of Calhoun County;

(3) Two residents of Early County appointed by the governing authority of Early County;

(4) Two residents of Miller County appointed by the governing authority of Miller County;

(5) Two residents of Mitchell County appointed by the governing authority of Mitchell County;

(5.1) Two residents of Seminole County appointed by the governing authority of Seminole County;

(5.2) Two appointed by the governing body of the Flint River Soil and Water Conservation District; and

(6) One appointed by the other members of the authority.

Each member shall serve for a four-year term and until a successor is appointed and qualified, except for the members initially appointed as provided by this Act. The initial members appointed under paragraphs (1), (3), and (5) of this subsection shall serve for terms of four years each and until their successors are appointed and qualified. The initial members appointed under paragraphs (5.1) and (5.2) of this subsection shall serve for terms of four years each and until their successors are appointed and qualified. The initial members appointed under paragraphs (2), (4), and (6) of this subsection shall serve for terms of two years each and until their successors are appointed and qualified."

"(d) A majority of the authority shall constitute a quorum, and any action may be taken by the authority upon the affirmative vote of a majority of a quorum of the members; provided, however, that the approval for the matters set forth in subsection (e) of this section shall require the affirmative vote of at least two-thirds of the members of the authority. No vacancy on the authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the authority.

(e) The matters requiring the affirmative votes of two-thirds of the members for approval are as follows:

(1) Amending the bylaws of the authority;

(2) The purchase, sale, lease, exchange, or other disposition of real property;

(3) Issuance of revenue obligations or revenue bonds; or

(4) Authorization of projects or undertakings as those terms are defined herein and in Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the 'Revenue Bond Law.'"

### SECTION 3.

Said Act is further amended by revising paragraph (3) of Section 4 as follows:

"(3) To acquire in its own name by purchase on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real

property, rights, or easements therein or franchises necessary or convenient for its corporate purposes, to use the same so long as its corporate existence shall continue, and to lease or make contracts with respect to the use of or to dispose of the same in any manner deemed by the board to be to the best advantage of the authority, the authority being under no obligation to accept and pay for any property condemned under this Act except from the funds provided to the authority under this Act; and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action, or proceedings as may be just to the authority and to the owners of the property to be condemned; and no property shall be acquired under the provisions of this Act upon which any lien or other encumbrance exists, unless at the time such property is so acquired a sufficient sum of money is deposited in trust to pay and redeem the fair value of such lien or encumbrance. If the authority shall deem it expedient to construct any project on any lands the title to which shall then be in Baker, Calhoun, Early, Miller, Mitchell, or Seminole County, in any municipality incorporated in any such county, or in the Flint River Soil and Water Conservation District, the governing authority or body of such county or of any of such municipality or of the conservation district is hereby authorized to convey title to such lands to the authority upon payment for the credit of the general funds of such county or municipality the reasonable value of such lands. The authority shall have the nonexclusive right, easement, and franchise of laying communication cables along the highways in Baker, Calhoun, Early, Miller, Mitchell, or Seminole County, or in the corporate limits of any municipality incorporated in any such county, without cost; provided, however, that the authority shall repair all damage done by the authority by reason thereof;"

#### **SECTION 4.**

Said Act is further amended by revising Section 31 as follows:

#### **"SECTION 31.**

This Act does not in any way take from Baker, Calhoun, Early, Miller, Mitchell, or Seminole County or any municipality located within any such county the power to own, operate, and maintain communications systems or issue revenue certificates as is provided by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the 'Revenue Bond Law.'"

#### **SECTION 5.**

Said Act is further amended by revising Section 32 as follows:

#### **"SECTION 32.**

The authority shall be immune and exempt from liability for torts and negligence to the same extent as Baker, Calhoun, Early, Miller, Mitchell, and Seminole counties; and the officers,

97 agents, and employees of the authority, when in the performance of the work of the authority,  
98 shall be immune and exempt from liability for torts and negligence to the same extent as  
99 employees of such counties."

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**SECTION 6.**

101 All laws and parts of laws in conflict with this Act are repealed.